

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>LESTER TUPPER and RHONDA TUPPER,</b>	)	<b>CASE NO. 15-481-SMY-PMF</b>
	)	
<i>Plaintiffs,</i>	)	<b>CJRA TRACK: C</b>
	)	
<b>vs.</b>	)	<b>JUDGES ASSIGNED:</b>
	)	District Judge Staci M. Yandle
	)	Magistrate Judge Philip M. Frazier
<b>HOWMEDICA OSTEONICS CORP.,</b>	)	
	)	<b>JURY TRIAL:</b> May 15, 2017, 9:00 a.m.
<i>Defendants.</i>	)	<b>FINAL PRETRIAL CONFERENCE:</b>
	)	April 26, 2017, 10:30 a.m.

**NOTICE TO COUNSEL**

Pursuant to SDIL-LR 16.1, the above-styled cause has been assigned as a “Track C” case. Therefore, you are placed on notice that a trial date has been set as indicated above.

Pursuant to SDIL-LR 16.2(a) and Federal Rule of Civil Procedure 26(f), an initial pretrial scheduling and discovery conference is **set before Magistrate Judge Philip M. Frazier via telephone conference call on March 24, 2016, at 9:00 a.m.** The parties should call the Court’s conference line at 618-439-7731 to join the call. *Lead counsel for the parties must participate in the conference call.*

The parties are to submit a Joint Report of Parties and Proposed Scheduling and Discovery Order using the form provided in the Local Rules, seven days before the conference. The Joint Report and Proposed Scheduling and Discovery Order shall be **submitted via e-mail to PMFpd@ilsd.uscourts.gov.**

The purposes of this conference are:

- (1) To discuss the Joint Report of the Parties as to the proposed discovery plan;
- (2) To discuss the possibility of settlement;
- (3) To discuss the possibility of using a voluntary alternative dispute resolution device (e.g., mediation, arbitration, summary jury trial, mini-trial) to resolve the dispute;
- (4) To discuss the complexity of the case and, if it is tried, the approximate number of days necessary to complete the testimony;

- (5) To confirm the presumptive date for the trial (see SDIL-LR 16.1(a));
- (6) To set a cut-off date for completion of all discovery including experts' discovery (or in the case of extraordinarily complex cases, the cut-off date for completion of core discovery) which date shall be no later than one hundred fifteen (**115**) days before the first day of the month of the presumptive trial date;
- (7) To establish a plan for the management of discovery in the case, including any limitations on the use of the various discovery devices that may be agreed to by the parties, ordered by the judicial officer presiding over the conference.
- (8) To formulate, simplify and narrow the issues;
- (9) To discuss and set deadlines for amendments to the pleadings, including the filing of third-party complaints, which deadline shall be no later than ninety (**90**) days following this conference;
- (10) To discuss the filing of potential motions and a schedule for their disposition, including the cut-off date for filing dispositive motions;
- (11) To set the approximate date of the settlement conference (see SDIL-LR 16.3(b));
- (12) To set the approximate date of the final pretrial conference (see SDIL-LR 16.2(b));
- (13) To consider the advisability of referring various matters to a Magistrate Judge or a Special Master;
- (14) To discuss the advisability of one or more additional case management conferences prior to the final pretrial conference; and
- (15) To cover any other procedural issues that the judicial officer hearing the case determines to be appropriate for the fair and efficient management of the litigation.

The Joint Report of Parties and Proposed Scheduling and Discovery Order, consented to and signed by each party or by an attorney of record, at the discretion of the assigned judicial officer, may be deemed to satisfy the requirements of SDIL-LR 16.2(a). All actions taken at the initial pretrial scheduling and discovery conference will be incorporated into a pretrial scheduling and discovery order, which shall be modified only by Order of Court.

The scheduling and discovery conference *may*, at the discretion of the Magistrate Judge, be canceled if the Magistrate Judge approves the Joint Report of Parties and Proposed Scheduling and Discovery Order as submitted. *In most instances, the conference will be held as scheduled for the purpose of discussing setting an early settlement conference.*

**Dated: February 11, 2016.**

**JUSTINE FLANAGAN  
ACTING CLERK OF THE COURT**

**By: /s/ Karen R. Metheney  
Deputy Clerk**